

REMARKS

This is in response to the Official Action currently outstanding with respect to the above-identified application.

Claims 1-30 are pending in this application. Claims 1-19 were withdrawn from further consideration in view of Applicants' response to the Examiner's Restriction Requirement. Claims 29-30 previously were withdrawn from further consideration by the Examiner on the basis that Claims 29-30 are directed to a non-elected invention (Applicants having constructively elected the invention of Claims 20-28 by virtue of the issuance of a substantive action on the merits of those claims). By the foregoing Amendment, Applicants are proposing that Claims 20 and 25 be amended further so as to more clearly and distinctly set forth the subject matter that Applicants regard as their invention in a manner that Applicants believe places the claims of this application in condition for allowance. Applicants do not propose the addition, the cancellation or the withdrawal of any claims by the foregoing Amendment. Accordingly, upon the entry of the foregoing Amendment, Claims 20-28, as hereinabove amended, will constitute the claims under active prosecution in this application.

A version of the claims as they will stand upon entry to the foregoing amendment showing the changes made and including appropriate status indicators is set forth above as required by the Rules.

More specifically, it is noted that in the currently outstanding Official Action, the Examiner has entered Applicants' submission of 14 November 2007 that accompanied their Request for Continued Examination and has indicated his belief that once formal matters have been handled once in any given prosecution they need not be re-acknowledged or reconfirmed. It is Applicants understanding, however, that each Official Action and each Response during a prosecution is supposed to be complete unto itself. Accordingly, Applicants comments on formal matters that have been dealt with previously are made simply for the purpose of complying with the Rules and assuring the that a complete record is made of this prosecution. In any event, in the currently outstanding non-final Official Action the Examiner has::

1. Failed to re-acknowledge Applicants' claim for foreign priority and the receipt by the United States Patent and Trademark Office of the required certified copies of the priority document –
Applicants' claim for foreign priority and the receipt by the United States Patent Office of the required copies of the priority documents were acknowledged in the Official Action dated 27 June 2005.
2. Failed to reconfirm that the drawings filed on 26 September 2000 in this application are deemed to be acceptable – **The acceptability of the formal drawings filed on 26 September 2000 was previously indicated in the Official Action of 27 June 2005.**

3. The Examiner's confirmation of his consideration of Applicants' Information Disclosure Statements of 12 September 2007, 4 October 2007, 5 March 2007, 5 October 2007 and 20 April 2005 is appreciated by Applicants.

Unfortunately, however, it again has been noted that in acknowledging his consideration of Applicants' resubmission of their Information Disclosure Statement of 6 February 2001 (i.e., Letter requesting correction of the Form PTO-1449 filed with the Information Disclosure Statement filed concurrently with this application), the Examiner still has not corrected his inadvertent use of the duplicate Form PTO-1449 that accompanied this application instead of the corrected Form PTO 1449 that was submitted with the Letter requesting the correction.

- Applicants, therefore, again are submitting a copy of the Letter requesting that the corrected Form PTO-1449 be substituted for the incorrect Form PTO-1449 as filed concurrently with this application so as to ensure that the record appropriately reflects the Examiner's consideration of JP 6-85916 instead of JP 5-85916 as inadvertently incorrectly indicated on the Form PTO 1449 that accompanied the Information Disclosure Statement filed with this application. Acknowledgement of the consideration of JP 6-85916 in the course of the examination of this application is respectfully requested in response to this communication. Applicants regret the confusion their attempts to correct the foregoing inadvertent error has caused to the Examiner.

Hence, it is respectfully requested that the Examiner sign, date and initial the corrected Form PTO-1449 in confirmation of the consideration by the United States Patent and Trademark Office of all of the art listed therein and provided therewith and provide a copy of the same to Applicants' undersigned representative so as to complete the record for this application.

4. Indicated that Claims 20-28 are rejected under 35 USC 102(e) as being anticipated by the Fujimoto reference (US Patent No. 6,018,720).

With respect to items 1-3 above, further comment in these Remarks is not deemed to be necessary.

With respect to item 4 above, on the other hand, the Examiner has suggested the the Fujimoto reference (US Patent No. 6,018,720) anticipates claims 20-28 within the meaning of 35 USC 120(e). Applicants respectfully disagree and traverse the Examiner's currently outstanding anticipation rejection for the following reasons.

Applicants respectfully submit that the Examiner has misapprehended the disclosure of the Fujimoto reference upon which he relies *vis a vis* the present invention. Accordingly, it is Applicants' belief that once the differences between the Fujimoto reference's disclosure and that of the present invention are appreciated the currently outstanding rejections will be withdrawn.

Currently pending Claims 20-28 deal primarily with the twelfth and thirteenth embodiments of the present invention as discussed at pages 74-83 of the present specification. Generally speaking, therefore, it will be seen that in the present invention the digital data to be displayed by the display device is contained on a storage medium of some sort separate from the claimed data reproducing apparatus.

Further, it will be understood that in addition to the digital data stored for reproduction by the data reproducing apparatus the separate storage medium also stores “reproducing apparatus specifying information for specifying an apparatus capable of reproduction” (Claim 20) or “external storage medium specifying information for specifying an external storage medium” (Claim 25) according to how the data reproduction apparatus **determines whether or not it is capable of reproducing the digital data contained on the separate storage media.**

In particular, in the case of Claim 20, the **separate storage media** stores, in addition to the digital data to be reproduced, reproducing apparatus specifying information for specifying an apparatus capable of reproduction. Also, reproduction apparatus ID information unique to said reproducing apparatus is stored in the **internal** storage apparatus within the housing of the data reproduction apparatus. Hence, unless the first determining means determines that the data reproducing apparatus is capable of reproducing the digital data from the reproduction apparatus ID information as read from the **internal** storage apparatus of the data reproduction apparatus **and** the reproducing apparatus specifying information contained in the **separate** storage medium, the control apparatus of the data reproduction apparatus will not allow the digital data stored on the separate storage media to be reproduced by the data reproduction apparatus.

In the case of Claim 25, on the other hand, at least one external storage medium stores, in addition to the digital data to be reproduced, external storage medium specifying information for specifying an external storage medium. Also, unique external storage medium identification information is stored in each of at least one external storage medium mounted on the data reproduction apparatus. Hence, unless the first determining means determines that the external storage medium specifying information included in said digital data satisfies a prescribed relation with the external storage medium identification information the control apparatus of the data reproduction apparatus will not allow the digital data stored on the external storage medium to be reproduced by the data reproduction apparatus

More particularly, the operation of the twelfth embodiment of the present invention appears in the present specification at Page 77, line 25 to Page 79, line 33. The final paragraph of that section of the present specification is particularly instructive and is quoted below.

As described above, as the display apparatus ID information specifying a display apparatus by which reproduction is permitted is recorded and managed in the book data, whereby the following effects can be achieved. When the book data is copied as it is and an attempt is made to reproduce the copy by other display apparatus, the contents of the display apparatus ID information 1194 in the book data is different from the ID information of the other display apparatus. Therefore, unless the original display apparatus ID information is known, it is impossible to reproduce the copied book data by the process of steps 1216 to 1218. As long as the display apparatus same as the original display apparatus is used, the page data display process (1224) starts without fail, from the process of step 1214, and therefore a legitimate user is allowed to reproduce and display the book data without any restriction. Therefore, reproduction or display by the legitimate user of the personally copied book data for back up, for example, is not restricted. Further, even a display apparatus having different ID information from the display apparatus ID information recorded on the book data is capable of reproducing the book data, if the user enters the ID information same as the ID information recorded on the book data. Therefore, when the user has a plurality of display apparatuses, any display apparatus may be used for reproduction, if the correct ID information of the original display apparatus is known.

Similarly, the operation of the thirteenth embodiment of the present invention appears at Page 81, line 14 to Page 82, line 21. The final paragraph of that section also is particularly instructive and is quoted below.

As described above, in the present embodiment, each user has an external medium having unique ID information recorded thereon. When each user reproduces the book data, the external medium ID information stored in the IC card mounted by the user to the electronic book reproducing apparatus at that time is recorded in the book data. Thereafter, when the book data is to be reproduced and displayed, the external medium ID information recorded in the book data is compared with the ID information of the IC card mounted to the electronic book reproducing apparatus to be used for reproduction and display, and whether the display is permitted or not is managed dependent on the result of comparison. Therefore, unless the external medium on which the ID information of each user is recorded is mounted to the electronic book display apparatus itself, it is impossible to display the book data, and therefore, reproduction of the book data by an unauthorized user can substantially be prevented. Further, if the user is a legitimate user of the book data to be reproduced, it is possible to reproduce the book data of his own by any apparatus, simply by inserting the external medium on which the unique ID information is recorded, to the electronic book reproducing apparatus.

Accordingly, Applicants respectfully submit that it is abundantly clear from both the present specification and pending Claims 20-28 that the present invention is directed to the reproduction of digital data from, not a transfer of digital data to an external storage medium that is separate and distinct from the elements of the data reproduction apparatus permanently contained within the housing of the data reproduction apparatus. Further, Applicants respectfully submit that the present invention is directed to a data reproduction apparatus that is only capable of functional operation in those cases wherein the medium containing the data to be reproduced is made so as also to include information that specifies the data reproduction apparatus as an apparatus with which the digital data contained therein can be reproduced. It is Applicants' position in the latter regard that these features of the present invention are not disclosed, taught or suggested by the Fujimoto reference relied upon by the Examiner.

Specifically, Applicants respectfully note that in the Fujimoto reference the purchaser record medium 13 includes a rewritable area Z1, a purchase history data area Z2 and a purchaser inherent-data/accounting-data area Z3. No area of the purchaser record medium 13 is specified to, or even arguably suggested to, contain "reproducing apparatus specifying information for specifying an apparatus capable of reproduction". Applicants respectfully submit that this is not surprising because the purpose of the Fujimoto system is to authenticate a user, verify the user's account (transaction) history, transfer digital data to the rewritable area Z1 of the purchaser record medium 13 and to add the accounting particulars of that transaction to the user's financial history for use in a later authentication of the user for system operation. In other words, Applicants respectfully submit that Fujimoto describes a system for the avoidance of improper or illegal use of a purchaser record medium 13, and a system whereby a purchaser can be identified by various prestored variables and his account history checked all prior to **the transfer of digital data to him** via the rewritable area of the purchaser record medium 13.

Accordingly, it will be seen that nowhere in the Fujimoto reference is it even hinted that anything stored on the purchaser record medium 13 in any manner determines the capability of the data delivery system to deliver digital data onto the rewritable area Z1 of the purchaser record medium 13. Rather, the data delivery system reads certain information from the purchaser record medium 13 and compares that information with information previously stored in its database and as a result of that comparison either allows the potential purchaser to proceed with his proposed transaction or refuses to allow the purchaser to proceed with his proposed transaction. Further, if the purchaser is allowed to continue with his proposed transaction, the Fujimoto system records the transaction both in its database and on the purchaser record medium for use in determining whether to authorize a subsequent transaction.

Hence, Applicants respectfully submit that the Fujimoto system determines whether or not the purchaser record medium 13 of a particular user can be utilized with it by a process akin to an authentication of a user. Further, Applicants respectfully submit that the latter decision is not based upon the capability of the system to have the purchaser record medium in question be utilized with it, but rather is based upon pre-established criteria concerning whether or not the personal and account data recorded on the purchaser record medium match the system database and on whether the nature of that database for that particular purchaser record medium is considered to be "normal".

Clearly, therefore, in the Fujimoto context the system can interface with the purchaser record medium 13 of any potential purchaser, and it is only when the system decides based on predetermined criteria not to proceed with a transaction that the flow of digital data to the rewritable section Z1 of that purchaser record medium is prevented. Consequently, unlike the present invention wherein data transfer from the external memory to the data reproduction apparatus for display cannot occur unless the external memory contains reproducing apparatus specifying information that specifies the reproduction apparatus that the user attempts to use as internally verified by the reproduction apparatus, the Fujimoto apparatus interacts with the purchaser record medium 13 until such time as preset criteria cause it to stop the interaction.

Accordingly, Applicant respectfully submits that the Fujimoto reference differs from the present invention not only because it transfers digital data to an external memory rather than from an external memory for reproduction, but also because the very premises upon which its operational capabilities rest are totally different from those of the present invention.

Applicants also respectfully submit in the above regard that the Examiner's suggestion that the storage mentioned in paragraph (i) of Claim 25 is somehow the same as, or at least equivalent to, the purchaser record medium 13 (see the fourth and fifth lines from the bottom of page 4 and the second paragraph of page 5 of the currently outstanding Official Action) is an indication that the Examiner may have misapprehended the true teachings of the Fujimoto reference in the course of the currently outstanding Official Action.

As has been alluded to above, it is Applicants' position that the purchaser record medium 13 of the Fujimoto reference can in no way be justifiably equated with the storage medium mentioned in paragraph (i) of Claim 25 as the Examiner has suggested. In particular, the storage mentioned in paragraph (i) of Claim 20 of the present application is included (located within the housing of) the claimed data reproducing apparatus. Thus, as previously mentioned the ROM 1112 that corresponds to the storage mentioned in paragraph (i) of Claim 20 is built into the claimed data reproduction apparatus housing and stores the ID information specific to the claimed data reproduction apparatus.

Hence, the ID storage discussed at column 8 of the Fujimoto reference with respect to the authentications utilized to establish a network among the various deliverers and the computer 24 of a shop 4 perhaps could be likened to the storage referred to at paragraph (i) of Claim 20. This is because the element corresponding to that storage is required to be located within the housing of the data reproduction apparatus (i.e., the computer).

In other words, if the CPU recited in Claim 20 is taken to correspond with the computer 24 of the shop 4 of the Fujimoto reference, the element corresponding to the storage mentioned in paragraph (i) of Claim 20 would be required to be located in the computer 24 of Fujimoto. The Fujimoto reference, however, does not disclose this configuration except with respect to elements utilized to establish the required authentications among the computers of the disclosed network.

In addition, Fujimoto clearly does not in any manner even remotely contemplate that the purchaser record medium 13 is to be located within the computer 24 of the shop 4. Indeed, as recognized at the top of Column 9 of Fujimoto, the purchaser record medium 13 is intended for use by the user in the transport of data downloaded from the delivery computers to his home for retransfer to his own computer, game console or the like.

Accordingly, any characterization of the storage as claimed at paragraph (i) of Claim 20 as being the same or equivalent to the purchaser record medium 13 of Fujimoto is not believed to be supportable.

Similarly, the Examiner cites the passage at Column 13, lines 19-49, as constituting a disclosure of the “control apparatus” set forth in Claim 20 of this application. That passage of the Fujimoto reference reads as follows:

Namely, as illustrated in FIG. 5, in step 101, the software deliverer retrieves the purchaser’s inherent data/accounting data corresponding to ID No., which is included in the purchaser’s inherent data/accounting data recorded in the purchaser record medium 13, from the purchaser’s inherent data/accounting data stored in the corresponding one of the computers 21 to 23. Then, the software deliverer collates the purchaser’s inherent data/accounting data, which is recorded in the purchaser record medium 13, with the retrieved purchaser’s inherent data/accounting data stored in the corresponding one of the computers 21 to 23.

At that time, if the collation of the accounting data therebetween is performed in addition to the aforementioned collation of the purchaser's inherent data, high level security is obtained. As a result of the collation step 102, if matched, the process advances to step 103 whereupon it is judged that the purchaser's inherent data/accounting data recorded in the purchaser record medium is normal.

Thereafter, the computer of the software deliverer proceeds to the delivery operation which includes the accounting process. In contrast, if not matched, the process advances to step 104 whereupon it is judged that the purchaser's inherent data/accounting data recorded in the purchaser record medium is abnormal. Then, the computer software deliverer stops delivery operation. If necessary, the purchaser record medium 13 is forcibly ejected from the computer 24 of the shop 4. Moreover, the deliverers 1 to 3 sometimes specify a purchaser who has used the purchaser record medium 13 illegally or unauthorizedly, and take a necessary step.

According to the just quoted description, it is abundantly clear that the purchaser record medium 13 is not built into the computer 24 of the shop 4 as a necessary configuration. Instead, as mentioned above, the purchaser record medium 13 belongs to the user and is readily portable by him away from the deliverer computer network. Hence, Applicants respectfully submit that any interpretation of the Fujimoto reference that suggests that the purchaser record medium 13 is somehow the same as, or equivalent to, the storage claimed in paragraph (i) of Claim 20 is clearly and definitely in error.

In addition, Applicants respectfully submit that the last quoted section of the Fujimoto reference also fails to support the Examiner's allegations concerning the control apparatus enabling or disabling reproduction depending upon the determination of the first determining apparatus that the Examiner alleges to be disclosed at Column 11, lines 23-45 of Fujimoto which in fact simply describes the nature of the "purchaser's inherent data/accounting data".

In fact, the Fujimoto reference only indicates that the purchaser record medium is subjected to an authentication procedure that compares its various recorded values to those contained in a database and allows or disallows the download of digital data to the purchaser record medium according to the results of that authentication procedure, not according to a determination of whether the purchaser record medium 13 contains reproduction apparatus specifying information for specifying an apparatus capable of reproduction.

Further, Applicants respectfully submit that to the extent that the Fujimoto might be considered to be a data reproduction apparatus in that it transfers data to the purchaser record medium under certain circumstances, there is simply nothing in the Fujimoto reference that teaches, discloses or suggests that any determination is made that the "data reproduction apparatus" is capable of transferring data to the purchaser record medium 13 based upon an internally stored ID in the computer 24 of the shop 4 and information stored on the purchaser record medium 13 specifying the computer of the shop 4 as the data reproducing apparatus. Indeed, the fact that data is being transferred from the card to the reproducing apparatus in the present invention and from the computer to the purchaser record medium in Fujimoto in and of itself is indicative of the fact that the limitations of the present claims are inapposite to the present invention.

For each and all of the foregoing reasons, Applicants respectfully submit that the claims of this application as they will stand upon the entry of the foregoing Amendment are in condition for allowance. Therefore, entry of the foregoing Amendment, reconsideration and allowance of Claims 20-28 as hereinabove amended in response to this communication are respectfully requested.

Finally, Applicants believe that additional fees are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

Date: April 9, 2008

By: David A. Tucker

David A. Tucker
Reg. No. 27,840
Attorney for Applicant(s)

EDWARDS ANGELL PALMER & DODGE, LLP
P.O. Box 55874
111 Huntington Avenue
Boston, MA 02205
(617) 517-5508